

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
) **No. 17 CR 30047-NJR**
v.)
)
ALFRED L. CROSS,)
)
Defendant.)

**UNOPPOSED MOTION FOR CONTINUANCE OF SENTENCING HEARING AND
EXTENSION OF TIME TO FILE OBJECTIONS TO PRESENTENCE REPORT**

COMES NOW Defendant, Alfred L. Cross (“Cross”), by and through his counsel, William S. Margulis and the law firm of Margulis Gelfand, LLC, and respectfully requests that this Court continue the sentencing hearing in this matter and also that this Court grant him an extension of time to file his objections to his presentence investigation report (“PSR”).

I. Background

On March 16, 2018, Cross entered an “open” plea to five counts of bank fraud in violation of 18 U.S.C. § 1344(1) and this Court set sentencing in this matter for May 9, 2018 at 9:30 a.m. (Doc. 101). This Court issued its Order for Presentence Procedure on March 16, 2018 and stated that any objections to the PSR were due 14 days after the filing of the report. (Doc. 102). On April 2, 2018, the PSR was filed. (Doc. 103). On April 16, 2018, Cross filed a motion for extension of time to file his objections to the PSR. (Doc. 104). On April 17, 2018, this Court granted the motion, allowing objections to be filed on or before April 26, 2018. (Doc. 105).

II. Discussion

On April 24, 2018, undersigned counsel met with Cross in the Lincoln County Jail. At the meeting, Cross explained that he had been recently hospitalized at Barnes-Jewish Hospital in St.

Louis, Missouri. According to Cross, during the hospitalization, he was informed that he may have cancerous tumors on his liver. However, according to Cross, the physicians who examined him explained they were concerned that the necessary tests required to determine whether the tumors are, in fact, cancerous, could be dangerous considering Cross' heart condition. Cross explained to undersigned counsel that he was told he would need to return to the hospital to be admitted for the necessary tests in the coming weeks.

Due to his recent health complications, Cross had been unable to review the PSR and thus was unable to engage in meaningful discussions with undersigned counsel concerning the potential objections to be filed.

Because Cross will likely be admitted to the hospital in the coming weeks and because he has not yet had an opportunity to discuss with undersigned counsel the objections to the PSR, Cross respectfully requests that this Court grant this unopposed motion continuing his sentencing and extending the deadline to file his objections to the PSR. Specifically, Cross requests that his sentencing hearing be continued by 30 days. Further, Cross requests that the deadline to file his objections to the PSR be extended by 21 days.

Undersigned counsel conferred with counsel for the United States, Assistant United States Attorney Scott A. Verseman, and confirmed that the United States has no objection to this motion.

III. Conclusion

WHEREFORE, Cross respectfully requests that this Court grant this motion, continuing his sentencing hearing by 30 days (or to any date thereabout that is convenient for this Court and the parties) and extending the deadline to file his objections to the PSR by 21 days.

Respectfully submitted,

Margulis Gelfand, LLC

/s/ William S. Margulis

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ATTORNEY FOR DEFENDANT

Certificate of Service

I hereby certify that the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the Office of the United States Attorney and all other counsel in this case.

/s/ William S. Margulis